

## **REMARKS**

### **I. Amendment To The Claims**

Claims 4, 5, 17, 18 and 20 have been amended in response to Election/Restriction Requirement. Upon entry of the present amendments, claims 4-5, 7-9, 12-18, 20-31 and 44 are pending in this application. No new matter has been introduced by the amendments, and their entry is respectfully requested.

By the amendments, Applicant does not acquiesce to the propriety of any of the Examiner's rejections and does not disclaim any subject matter to which Applicant is entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997). Further, Applicant reserves the right to prosecute the subject matter of any canceled or withdrawn claim in one or more continuation, continuation-in-part, or divisional applications.

### **II. Election/Restriction Requirement**

An Election/Restriction Requirement under 35 U.S.C. §121 has been entered in the present application. (Pages 2-3 of Office Action). Applicant has been required to elect a single species for prosecution on the merits. In order to be fully responsive to the restriction requirement, Applicant provisionally elected to prosecute the invention of 1-oxo-2-(2,6-dioxopiperidin-3-yl) isoindoline substituted with amino in the benzo ring recited in claims 4 and 17; and 1-oxo-2-(2,6-dioxopiperidin-3-yl)-4-aminoisoindoline recited in claims 5 and 18. Affirmation of this election is made in this response, without prejudice to Applicant's right to prosecute any non-elected subject matter in one or more continuation, continuation-in-part or divisional applications.

### **III. Allowable Subject Matter**

In the Office Action (page 3), claims 4-5, 7-9, 12-18, 20-31 and 44 are allowed if the claims are limited to the elected species. In light of the above elections and amendments, Applicant respectfully submits that all the pending claims satisfy all the criteria for patentability and that this response complies with all formal requirements.

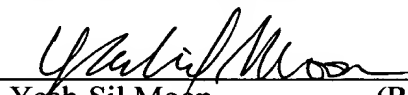
### **CONCLUSION**

Applicant respectfully requests that the above remarks and amendments be entered in the present application file. An early allowance of the application is respectfully requested. Should the Examiner not agree that all claims are allowable, a personal or telephonic interview is respectfully requested to discuss any remaining issues and to accelerate the allowance of the above-identified application.

No fee is believed to be due in connection with this; however, should any other fee be required, Applicant hereby authorizes that such fee be charged to Deposit Account No. 50-3013.

Respectfully submitted,

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